

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, March 1, 2022 at 7:00 p.m., with the following members present:

Tony Wood	Hank Guess	David L. Williams
Charlotte C. Williams	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were City Manager Warren Wood, Deputy City Manager Rodney Miller, Assistant City Manager Rick Beasley, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, Deputy City Clerk Crystal B. Mundy and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present with the arrival of Alderman Williams at 7:06 p.m.
- II. Invocation by Mayor Guess
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard

- A. Mr. Bruce Tretter - Presentation Regarding the Hickory Safe Streets Coalition.

Mr. Bruce Tretter, 27 2<sup>nd</sup> Street NW, in downtown Hickory advised he had been a resident in Hickory one and a half years. Hickory was his favorite place that he had ever lived in the Country or anywhere actually, and it was because the people were resourceful, smart, and engaging. It was a very business supportive community and also outstanding outdoor activities. He advised he was an avid cyclist. That was why he was present to talk about street safety for pedestrians, cyclists, and also for drivers, they were all in this together, since learning of quite a few accidents that have occurred in the City, some with fatalities, unfortunately. Then looking at what the City has, walk/bike/pedestrian plan and then all of the infrastructure that was going on to support walking and cycling, he thought it would be a good idea to organize a coalition, or to work on organizing a coalition of interested parties. He had given Council an outline of that. It was bike and run shop owners, the Hickory Velo Club, City officials, police, fire, the community college, public schools and also the YMCA. The objective was to engage motorists, pedestrians, cyclists, and City and State officials to improve Hickory regarding safety and access for all of the above. He wanted to introduce himself and also the initiative and then work with City officials to establish measurable and achievable objective goals that they could chip away at. He had seen the walk/bike plan, which he thought was a great idea that they called it a walk/bike plan. Most people are pedestrians, but then what could they do to start chipping away at the action items that were actually in that plan and then do it in a sane, comprehensive manner. That was why he was present, and he was looking forward to working with them.

Councilmembers thanked Mr. Tretter.

- B. Mr. Chris Simmons, 1046 6<sup>th</sup> Avenue Drive NW, Hickory, thanked Council for their service. He knew with the arches falling, there had been a fair amount of grief around on social media and whatnot and he knew that they had put a lot of energy and time and thought, and they felt invested in this community and he thanked Council for their service. Mr. Simmons advised there was a Christian writer named John Piper who had a famous article called "Don't Waste Your Cancer". The point he makes was when something difficult happens it can be a watershed moment, because it focuses people on a set of issues that might not come around otherwise. The collapse of the arches he thought was one of those moments. People could look at it as a failure or they could look at it as a fantastic opportunity. He thought it was an opportunity. A lot of the discussion that had been swirling had been about the appropriateness of the arches, the mandate of the bond referendum, and the things that had been built. He thought that the collapse of the arches and the process that would go forward, whatever replaces them, offers a great opportunity to promote a sense of ownership, public participation, inclusion and to have wonderful conversations. He grew up in Hickory and he knew that politeness was their most important virtue of courtesy. He thought they could have collegial diversity here where they could allow people to feel heard and involved and the community, the people who are most invested in this community, and put the most time into trying to direct it could afford an opportunity for many people who may not feel as if they were included or involved to publicly participate in whatever goes up in place of the arches. He thanked Council.

Councilmembers thanked Mr. Simmons.

Mayor Guess asked if anyone else wished to be heard. No one else appeared.

- VI. Approval of Minutes

A. Regular Meeting of February 15, 2022.

Alderwoman Patton moved, seconded by Alderwoman Williams that the Minutes of February 15, 2022 be approved. The motion carried unanimously.

VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

Alderwoman Patton moved, seconded by Alderman Zagaroli that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

A. Budget Revision Number 14. (First Reading Vote: Unanimous)

B. Consideration of Rezoning Petition Number 21-07 for 13.384 Acres of Property Located on Sulphur Springs Road between 47<sup>th</sup> Avenue Place NE and 48<sup>th</sup> Avenue Lane NE from Catawba County R-20 to Planned Development (PD). (First Reading Vote: Unanimous)

C. Consideration of Rezoning Petition Number 22-01 for 55.49 Acres of Property Located on Spencer Road between 30<sup>th</sup> Street Court NE and 31<sup>st</sup> Street Court NE from Hickory R-1 Catawba County R-20 to Hickory R-2 Residential. (First Reading Vote: Unanimous)

VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

Mayor Guess moved, seconded by Alderman Seaver approval of the Consent Agenda. The motion carried unanimously.

A. Approved a Microenterprise Grant Agreement with Marlee Horton, Salon Owner, in the Amount of \$4,000.

In its 2020-2024 Consolidated Plan for Housing and Community Development, the City of Hickory identified increasing entrepreneurship opportunities as a high priority need. This includes a program to provide microenterprise grants to businesses looking for funding necessary to take their business to the next level. The 2021 Community Development Block Grant (CDBG) Annual Action Plan has \$5,000 allocated towards assistance for entrepreneurial activities with another \$30,000 remaining from previous plan years. According to the US Department of Housing and Urban Development, a microenterprise is a business that has fewer than five employees, one of whom is the owner of the business. The program offers grants of up to \$4,000 for low to moderate income business owners for business property, inventory, necessary fixed assets, marketing and business promotion, or other improvements approved by the Business Development Committee. Applicants are required to submit a business plan and have a counseling session with a local business support organization. Marlee Horton has applied for a Microenterprise Grant to support and enhance her start-up business as an independent salon owner. The business will a salon that offers a variety of services for men and women in a high end, unique environment. Ms. Horton recently secured a small business loan through Mountain BizWorks. The Business Development Committee reviewed the application and recommended approval of the grant in the amount of \$4,000 contingent on the receipt of this additional small business loan. The grant funds will be used for equipment and to assist with marketing costs. Staff recommends City Council's approval of the Microenterprise Grant Agreement with Marlee Horton.

B. Approved a Proclamation for Trisomy 9 Day and Trisomy Awareness Month.

C. Approved a Proclamation for Arbor Day, April 30, 2022.

D. Called for a Public Hearing for Consideration of a Voluntary Contiguous Annexation of 8.86 Acres of Property Off Startown Road between Short Road and Robinwood Road, PINs 3721-16-94-9674 and 3711-16-94-6567. (Authorized Public Hearing for March 15, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building.)

RESOLUTION NO. 22-12  
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, petitions from Startown Holdings, LLC and REC Group, LLC requesting annexation of an area described in petitions was received on February 17, 2022, by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

THAT, the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

CERTIFICATE OF SUFFICIENCY

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the petitions attached hereto and have found as a fact that said petitions are signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31 and/or G.S. 160A-58.1, as amended:

Property of Startown Holdings, LLC and REC Group, LLC Located off Startown Road between Short Road and Robinwood Road, Hickory, North Carolina, containing 8.866 acres more or less, and identified as PINs 3721-1694-9674 and 3711-16-94-6567.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 18th day of February 2022.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 22-13

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION, PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

Section 1: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on March 15, 2022, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:

Property of Startown Holdings, LLC and REC Group, LLC Located off Startown Road between Short Road and Robinwood Road, Hickory, North Carolina, containing 8.866 acres more or less, and identified as PINs 3721-1694-9674 and 3711-16-94-6567.

Section 3: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 22-14

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY STARTOWN HOLDINGS, LLC AND REC GROUP, LLC AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Startown Holdings, LLC and REC Group, LLC are the owners of certain real property as described herein, which property is located off Startown Road between Short Road and Robinwood Road, Hickory, North Carolina, containing 8.866 acres more or less, and identified as PINs 3721-16-94-9674 and 3711-16-94-6567; and

WHEREAS, such property is currently located in the City's extra-territorial jurisdictional (ETJ); and

WHEREAS, it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 1st day of March 2022, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

- Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.
- Section 2: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on March 15, 2022, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.
- Section 3: The same being that property reflected on map entitled Startown Land Holdings, LLC and REC Group, LLC, Voluntary Contiguous Annexation, Map 1, Current City Boundary, subject property outlined in red; Startown Land Holdings, LLC and REC Group, LLC, Voluntary Contiguous Annexation, Map 2, Current Zoning subject property outlined in red; and Startown Land Holdings, LLC and REC Group, LLC, Voluntary Contiguous Annexation, Map 3, 2021 Aerial Photography, subject property outlined in red.
- Section 4: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.
- E. Called for Public Hearings for Consideration of Rezoning Petition (RZ) 22-02, Rezoning of 47.40 acres of Property located on Section House Road between 34<sup>th</sup> Street Place NE and Sipe Road from R-1 Residential and R-20 Residential to R-2 Residential, Identified as PIN 3723-08-89-6240; Rezoning Petition (RZ) 22-03 – Rezoning of approximately 19.5 acres of Property located at 4331 and 4405 North Center Street from R-2 Residential to Planned Development (PD), Identified as PIN 3715-18-30-6570; Rezoning Petition (RZ) 22-04, Rezoning of approximately 9 acres of Property located off Startown Road between Short Road and Robinwood Road from R-20 Residential to Planned Development (PD), Identified as PINs 3711-16-94-6567 and 3721-16-94-9674; and Rezoning Petition (RZ) 22-05 – Rezoning of approximately 13.7 acres of Property located near the Southwest Corner of Cloninger Mill Road and 16<sup>th</sup> Street NE from R-2 Residential to R-3 Residential, Identified as PINs 3714-12-96-0319 and 3714-12-86-6394. (Authorized Public Hearings for March 15, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building.)
- F. Approved the Sale of City-Owned Property Located Off 5<sup>th</sup> Street NE in the Amount of \$25,000 to G & M Rentals.

Staff requests Council's approval of the sale of City-owned property off 5<sup>th</sup> Street NE, PIN:370312969305. This 1.18-acre parcel was purchased by the City in 1988 for the development of the northern cross-town thoroughfare which is no longer slated for construction. G & M Rentals own two of the adjacent parcels and would like to purchase the City-owned parcel to add to their site. G & M Rentals has approached the City with an offer to purchase the lot. This parcel is no longer slated for development as a portion of the northern cross-town thoroughfare and is landlocked. G & M Rentals has offered \$25,000 for the property. The current tax value is \$9,000. Given the fact that it is landlocked and the original reason for purchasing this lot is no longer viable, selling this lot to G & M Rentals would be beneficial as the City has no plans for future development at this site. The upset bid process will allow any other interested party to bid on the property. Staff recommends that City Council adopt a resolution accepting the offer from G & M Rentals for the sale of Parcel ID 370312969305 located off 5<sup>th</sup> Street NE and authorize staff to advertise for upset bids.

RESOLUTION NO. 22-15  
RESOLUTION AUTHORIZING THE ADVERTISEMENT OF AN OFFER TO PURCHASE  
CERTAIN PROPERTY

WHEREAS, City Council of the City of Hickory desires to dispose of certain surplus properties of the City of Hickory.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

1. The following described property is hereby declared to be surplus to the needs of the City of Hickory:  
  
Vacant Lot off of 5th Street NE, Hickory, PIN #370312969305, recorded in Deed Book 1570 at Page 634, Catawba County Registry.
  2. City Council has received an offer to purchase for the sum of \$25,000 for the property located off 5th Street NE, Hickory, North Carolina. The person making the offer must deposit with the City Clerk a sum equal to five percent (5%) of his or her offer in the form of cash or cashier's check.
  3. City Council proposes to accept the offer unless a qualifying upset bid shall be made.
  4. The City Clerk shall cause a notice of such offer to be published in accordance with G.S. 160A-269.
  5. Persons wishing to upset the offer must submit a sealed bid to the City Clerk within ten (10) days after publication of the notice. The person making the bid must deposit with the City Clerk a sum equal to five percent (5%) of his or her offer in the form of cash or cashier's check. At the conclusion of the ten (10) days, the City Clerk shall open the bids, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
  6. If a qualifying upset bid is received, the City Clerk is directed to re-advertise the offer at the increased upset bid amount, and to continue with this process until a ten (10) day period has passed without receipt of a qualifying upset bid.
- F. Approved on First Reading Budget Revision Number 15.

ORDINANCE NO. 22-09  
BUDGET REVISION NUMBER 15

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2022, and for the duration of the Project Ordinance noted herein.

SECTION 1. To amend the General Fund within the FY 2021-22 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	-	3,621
Culture & Recreation	3,621	-
Public Safety	12,568	-
TOTAL	16,189	3,621

To provide funding for the above, the General Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenue	11,884	-
TOTAL	11,884	-

SECTION 2. To amend the Insurance Fund within the FY 2020-21 Budget Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Government	11,884	-
TOTAL	11,884	-

To provide funding for the above, the Insurance Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Sales and Services	11,884	-
TOTAL	11,884	-

SECTION 3. To amend the Ridgeview Library Expansion (#630001) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	3,621	-

TOTAL	3,621	-
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To provide funding for the above, the Ridgeview Library Expansion (#630001) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	3,621	-
TOTAL	3,621	-

SECTION 4. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

- IX. Items Removed from Consent Agenda – None
- X. Informational Item
- XI. New Business:
  - A. Public Hearings

- 1. Approved the Voluntary Non-Contiguous Annexation of 47.40 Acres of Property Located on Section House Road between 34<sup>th</sup> Street Place NE and Sipe Road, PIN 3723-08-89-6240. – Presentation by Planning Director Brian Frazier.

Consideration of the voluntary non-contiguous annexation of 47.40 acres of property located on Section House Road between 34<sup>th</sup> Street Place NE and Sipe Road. This property is identified as PIN 3723-08-89-6240. The Earl Errand Propst Heirs have petitioned for the voluntary non-contiguous annexation of 47.40 acres of property located on Section House Road Between 34<sup>th</sup> Street Place NE and Sipe Road. The subject property is currently located in both Hickory’s ETJ and Catawba County’s jurisdiction and zoned R-1 and R-20 residential. The annexation is being requested to gain access to City services. Both current zoning districts permit residential uses at a density of two dwelling units per acre. The subject property is currently vacant; however, the intent is to utilize the property for the construction of a residential subdivision. If annexed, the applicants have requested the property be zoned R-2 residential. If zoned R-2 residential, the property could be developed for single-family detached residences at a rate of four units per acre. Given the property’s size, future development could theoretically produce 189 dwelling units. The current tax value of the property is \$296,300. If annexed with its present value, the property would generate additional tax revenues of \$1,859. Upon analysis, staff determined the petition meets the statutory requirements for voluntary contiguous annexation, and adequate public services are available. Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on February 18, 2022.

City Attorney John Crone advised Mayor Guess and members of Council, as he announced to the Planning Commission when he attended last Wednesday, he was going to recuse himself from any involvement in this hearing. He and his firm had both represented various entities and individuals that were owners or potential owners of this property and he asked Deputy City Attorney Arnita Dula to sit in his stead. He left Chambers at 7:08 pm. Deputy City Attorney Arnita Dula joined Council for the public hearing.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to present Council with a voluntary non-contiguous annexation of 47.40 acres of property located on Section House Road between 34<sup>th</sup> Street Place NE and Sipe Road.

Planning Director Brian Frazier presented a PowerPoint presentation. He advised the applicant was the Propst Heirs and it was a voluntary noncontiguous annexation as noted by City Manager Warren Wood, on Section House Road, not too far east from its intersection with Springs Road, just under 50-acres. The adjacent ward would be ward three. The property was currently vacant, none developed. The future development was proposed residential single-family. The annexation was being requested to obtain connection to City utilities, in this case the sanitary sewer system. He referred to the map on the PowerPoint and pointed out the parcel in question, the City of Hickory limits, Arrowhead Subdivision, Springs Road, Section House Road, and Sipe Road. He pointed out the City’s extra-territorial jurisdiction (ETJ), and the area located in the County.

He advised that three-quarters of it, if not more, sat in Catawba County. He pointed out the zoning here was mixed commercial corridor, neighborhood corridor, up Springs Road heading north toward Catawba Springs, Section House Road and Sipe Road, and the property in question. He advised the area that was zoned R-20 Catawba County, the front of it was zoned R-1 City of Hickory. He referred to the aerial ortho map on the PowerPoint and pointed out Springs Road, and Section House Road. He discussed staff's findings and recommendations for the annexation. The voluntary annexation petition complied with all applicable annexation statutes in North Carolina. There were adequate public services available in sufficient quantities. The annexation of the property would not cause available public services to fall below acceptable levels. Based on these findings, staff recommended approval of the requested annexation. He asked Council for any questions.

Mayor Guess asked for any questions.

Alderman Seaver asked how the ETJ was figured out. He asked exactly who draws that line.

Planning Director Brian Frazier replied that was done with the State Legislature and the various municipalities, and who had what in terms of borders. Basically, the ETJ went three miles out of the city center. Over the years, especially since he had been here, they had seen where there would be a bunch of properties, all land, that was all City and then there would be a couple missing that was County and/or vice versa going up and down the main corridors. They had seen development in the southeast and northeast sections predominantly and that was where they had seen the annexations over the past several years.

Alderman Seaver commented as we grow that ETJ would have to grow.

Planning Director Brian Frazier advised the ETJ would not grow. The ETJ there now was pretty solid. Anything that they bring in would be annexed, that ETJ would be gone, and it would be part of the City proper.

Mayor Guess asked for any further questions. He explained the rules for conducting the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. Mayor Guess asked if there was anyone present to speak in favor of the proposal. No one appeared. Mayor Guess closed the public hearing.

Alderman Zagaroli moved, seconded by Alderwoman Patton approval of the voluntary non-contiguous annexation of the property located on Section House Road. The motion carried unanimously.

ANNEXATION ORDINANCE NO. 471  
VOLUNTARY ANNEXATION ORDINANCE (NON-CONTIGUOUS)

Brenda Miller Daniel; William M. Daniel; Jeanne Miller Hollar; Kimberly M. Clontz; Jones Walter Miller, III; Sandra D. Barton; Phillip L. Barton; Tamara T. Coley; Lloyd F. Coley; Gale R. Propst; Kenneth Turnmyre; Tamara Verbiest; Harry K. Clontz; Donna Turnmyre; John Verbiest; John A. Turnmyre; and Jacqueline F. Walker, Roy A. Walker, Jr., and John R. Fastenau, as Trustees of the Doris P. Fastenau Living Trust, being all of the Heirs of Earl H. Propst

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF HICKORY, NORTH CAROLINA, PURSUANT TO  
GENERAL STATUTES 160A-58.1, AS AMENDED (NON-CONTIGUOUS)

WHEREAS, the City Council of the City of Hickory desires to annex the area described herein, under G.S. 160A-58.1, as amended; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said annexation; and

WHEREAS, the City Clerk has certified to the sufficiency of said request, and a public hearing on the question of this annexation was held in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina, at 7:00 p.m. on the 1st day of March 2022; and

WHEREAS, the City Council of the City of Hickory further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Hickory.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Hickory.
- c. The areas described are so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.

WHEREAS, the City Council of the City of Hickory does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and all other requirements of G.S. 160A-58.1, as amended have been complied with; and

WHEREAS, the City Council further finds that the annexation is otherwise valid, and that the public health, safety, and welfare of the City of Hickory and of the areas proposed for annexation will be best served by annexing the area herein described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following-described non-contiguous territory is hereby annexed and made a part of the City of Hickory as of the 30th day of March 2022:

Satellite Annexation by the  
City of Hickory of the  
Earl Errand Propst Heirs property

That certain parcel or tract of land lying and being about 4.75 miles east northeast of the center of the City of Hickory. Bounded on the west by the 60' right-of-way of Section House Rd., the lands of Dale R. Herman as described in Deed Book 1778 at Page 709, Emma Jean F. Herman and Douglas V. Herman as described in Deed Book 3497 at Page 1278, Anthony L. Hendrix and Heather Hendrix as described in Deed Book 3480 at Page 151, Sue T. Propst Heirs as described in Deed Book 3279 at Page 1207 and the 60' right-of-way of 34th Street Circle NE; on the north by a 45' right-of-way, by the lands of Ricky D. Killian and Teresa M. Killian as described in Deed Book 1594 at Page 407 and Deed Book 2953 at Page 1742, Dale E. Crouch and Priscilla A. Crouch as described in Deed Book 1929 at Page 40, Ricky D. Killian and Teresa M. Killian as described in Deed Book 2114 at Page 90; on the east by the lands of Gregory E. Warlick as described in Deed Book 1665 at Page 277, Teresa Jane W. Biggs and Gregory E. Warlick as described in Deed Book 2957 at Page 188, Dale S. Bumgarner and Terri J. Bumgarner as described in Deed Book 1643 at Page 888, Dwayne Martin and Jaqueline H. Martin as described in Deed Book 3630 at Page 1147; on the south by the lands of Dwayne Martin and Jaqueline H. Martin as described in Deed Book 3630 at Page 1147, Kevin D. Egbert as described in Deed Book 3332 at Page 707 and more particularly described as follows, to wit.

Beginning at a point in Section House Rd., said point being located North 50 degrees 12 minutes 13 seconds West 593.47 feet from NCGS Monument "Bolch", and running thence, as new City of Hickory city limits with Section House Rd., the following calls: North 47 degrees 51 minutes 32 seconds West 307.51 feet to a point; thence North 47 degrees 54 minutes 25 seconds West 431.47 feet to a point; thence North 47 degrees 50 minutes 47 seconds West 276.19 feet to a point; thence, leaving Section House Rd. as new City of Hickory city limits, North 45 degrees 24 minutes 02 seconds East 29.68 feet to a 1/2" iron on the east right-of-way of Section House Rd., the southernmost corner of the Dale R. Herman lands as described in Deed Book 1778 at Page 709; thence, with the southeast line of Herman, North 45 degrees 24 minutes 02 seconds East 410.38 feet to a 1" axle, the southwest corner of the Emma Jean F. Herman and Douglas V. Herman lands as described in Deed Book 3497 at Page 1278; thence, with the south line of Herman, South 83 degrees 10 minutes 32 minutes East 462.39 feet to a 5/8" rod, the southeast corner of Herman; thence, with the east line of Herman and the east line of the Anthony L. Hendrix and Heather Hendrix lands as described in Deed Book 3480 at Page 151, North 06 degrees 37 minutes 52 seconds East 758.82 feet to a 3/4" rebar, the northeast corner of Hendrix and the Southeast corner of the Sue T. Propst heirs lands as described in Deed Book 3279 at Page 1207; thence, with the east line of the Propst heirs,



North 06 degrees 32 minutes 13 seconds East 458.12 feet to a 3" flat iron, the northeast corner of the Propst heirs in the 60' right-of-way of 34th Street Circle NE also the southwest corner of the southern terminus of a 45' right-of-way; thence, with the south line of the 45' right-of-way passing the southeast corner of said right-of-way and the southwest corner of the Ricky D. Killian and Teresa M. Killian lands as described in Deed Book 1594 at Page 407, South 84 degrees 59 minutes 56 seconds East 60.16 feet to a ¾" iron in the south line of Killian; thence, continuing with the south line of Killian, South 85 degrees 01 minutes 56 seconds East 281.01 feet to a ½" iron, the southeast corner of Killian as described in Deed Book 2953 at Page 1742 and the southwest corner of the Dale E. Crouch and Priscilla A. Crouch lands as described in Deed Book 1929 at Page 40; thence, with the south line of Crouch, South 85 degrees 03 minutes 03 seconds East 281.75 feet to a 1 ¾" iron, the southwest corner of the Ricky D. Killian and Teresa M. Killian lands as described in Deed Book 2114 at Page 90; thence, with the south line of Killian, South 85 degrees 52 minutes 52 seconds East 283.21 feet to a 1 ¼" flat iron in the west line of the Gregory E. Warlick lands as described in Deed Book 1665 at Page 277; thence, with the west line of Warlick, South 05 degrees 57 minutes 28 seconds West 295.85 feet to a 1 ½" iron, the northwest corner of the Teresa Jane W. Biggs and Gregory E Warlick as described in Deed Book 2957 at Page 188; thence, with the west line of Biggs and Warlick, South 06 degrees 11 minutes 28 seconds West 593.05 feet to an iron pipe, the northwest corner of the Dale S. Bumgarner and Terri J. Bumgarner lands as described in Deed Book 1643 at Page 888; thence, with the west line of Bumgarner and the west line of the Dwayne Martin and Jaqueline H. Martin lands as described in Deed Book 3630 at Page 1147, South 05 degrees 32 minutes 00 seconds West 817.28 feet to a 1" iron; thence with a north line of Martin, North 83 degrees 28 minutes 26 seconds West 160.59 feet to a ¾" iron in the north line of Martin; thence, continuing with the north line of Martin, North 83 degrees 27 minutes 59 seconds West 339.43 feet to a 1" axle, the northernmost corner of the Kevin D. Egbert lands as described in Deed Book 3332 at Page 707; thence, with the west line of Egbert, South 42 degrees 24 minutes 56 seconds West 289.56 feet to a ½" iron in the west line of Egbert; thence, continuing with the west line of Egbert the same bearing, a distance of 261.76 feet to a ½" iron on the east right-of-way line of Section House Rd.; thence, continuing the same bearing, a distance of 30.00 feet to the point of beginning. Containing 47.40 acres more or less.

Section 2. Upon and after the 30th day of March 2022 the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hickory and shall be entitled to the same privileges and benefits as other parts of the City of Hickory. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10, as amended.

Section 3. The newly annexed territory described herein shall become part of Ward No. 3 of the City of Hickory.

Section 4. The Mayor of the City of Hickory shall cause to be recorded in the Office of the Register of Deeds of Catawba County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with duly certified copy of this Ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

**B. Departmental Reports:**

**1. Update on City Walk Arch Collapse – City Manager Warren Wood.**

City Manager Warren Wood advised about 12-days ago the arches collapsed as they all knew. They understood that responsible parties were putting together a plan to remove the arches off the Main Avenue bridge and the pedestrian bridge. It was important to understand that the City had never accepted ownership of the arches. There was a process in place that was well defined. That does not happen until the project was closed out and the North Carolina Department of Transportation (NCDOT) signs off on it. That had not happened. The City also does not own the Main Avenue bridge. That was an NCDOT bridge. Other parties were going to be responsible for removing that off the bridge and the pedestrian bridge. However, expenditures had been made, paying invoices related to the arches and the City Walk in general of course. Now the City's focus was on recouping the investment that the taxpayers had made in the arches. You could imagine there were multiple contractors, who have multiple insurance companies, who have multiple attorneys. This gets to be that phase that they were entering now. The overall message was that moving forward, answering questions, making comments, statements was going to be the

exception. However, for the public or media, if there were public records that the City was in possession of related to this, that the City was obligated to provide, they would do that. They would go through the process with the Legal Department. There was a well-established process in gaining access to those. They would continue to update City Council confidentially with legal updates and just progress updates related to all of this. Their focus right now was to expeditiously as possible recoup the public's investment. The contractors have insurance in place. That was why they have insurance in place for these sorts of things and nobody rushes to the table to be the first one to write the check. There was a process involved in going through that. They were well protected. It was just going through that and making sure that they do not make any missteps about the statements and comments and whatnot. That would be an exception moving forward.

Mayor Guess apologized to City Attorney John Crone as he forgot to invite him back to the meeting. City Attorney John Crone returned to the meeting at approximately 7:16 p.m.

Alderwoman Williams had a couple questions.

City Manager Warren Wood advised they would talk a little bit more about it in detail in closed session.

Alderwoman Williams commented just to clarify, she knew it was going to be a process to recoup, but the understanding was they would be able to recoup the City's allocation and resources in full. Correct?

City Manager Warren Wood advised that was why all these mechanisms were put in place to protect the City against what happened.

Alderwoman Williams asked if they were going to get a detailed report on what caused the accident.

City Manager Warren Wood advised there were multiple entities preparing multiple reports to determine what happened. The City was not one of them. The City may or may not have access. He did not know what the reports were going to say. This was getting into a little bit beyond what he intended. They have to be careful about the City doing a forensic analysis on what happened because it could give ammunition to one party who may appear to be responsible if the City's report were to come back and say, well no, this was the reason it happened. The insurance company had advised the City not to get involved in that.

Alderwoman Williams commented but the other entities are.

City Manager Warren Wood commented the other entities were going to be doing a lot and having their own opinion about what happened. The City's insurance company had advised that the City's focus needed to be recouping the taxpayer's investment through one of the protections that they had in place. He knew there was a lot of curiosity about what happened. He was sure there would be reports that come out, but the City had not commissioned a report to do that because it could complicate the City getting made whole and further delay that.

Mayor Guess thanked City Manager Warren Wood.

2. Appointments to Boards and Commissions

<b><u>CITIZENS ADVISORY COMMITTEE</u></b> (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council) Small Cities Project Area		VACANT
<b><u>COMMUNITY APPEARANCE COMMISSION</u></b> (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council) At-Large (Outside City but within HRP) (Council Appoints)		VACANT
<b><u>COMMUNITY RELATIONS COUNCIL</u></b> (Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)		
Other Minority (Council Appoints)		VACANT
Other Minority (Council Appoints)		VACANT
Other Minority (Council Appoints)		VACANT
Differently Abled and is African American or Other Minority (Council Appoints)		VACANT
Differently Abled (Council Appoints)		Beth Whicker

(Not Eligible for Reappointment)

**HISTORIC PRESERVATION COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

At-Large (2)(Council Appoints)

Mary Moorer

(Eligible for Reappointment/Does Not Wish to Serve Again)

Mayor Guess nominated William Gardner as At-Large(2) Representative on the Historic Preservation Commission.

**LIBRARY ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 3 (Seaver Appoints)

VACANT

(Beth Schauble Resigned 11-10-2021)

**PUBLIC ART COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 4 (D.Williams Appoints)

VACANT

At-Large (Mayor Appoints) (Harold Humphrey Resigned 11-4-2021)

VACANT

**RECYCLING ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 6 (Patton Appoints) (Lona Hedrick Resigned 1-11-2022)

VACANT

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard

VACANT

Homeschool

VACANT

Alderman Seaver moved seconded by Mayor Guess approval of the above nomination. The motion carried unanimously.

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(3)(6) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

Mayor Guess moved that Council go into closed session to consult with the attorneys to discuss the items below, seconded by Alderwoman Williams. The motion carried unanimously.

1. Approval of Closed Session Minutes of December 7, 2021 - NCGS §143-318.11(a)(1)

2. Discussion of Potential Litigation – NCGS §143-318.11(a)(3).

3. Discussion of a Personnel Matter – NCGS §143-318.11(a)(6).

Council convened to closed session at approximately 7:20 p.m.

Council reconvened to open session at approximately 7:56 p.m.

No action was taken upon return to open session.

XV. There being no further business, the meeting adjourned at 7:56 p.m.

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Mayor

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City Clerk